

Civil Action Number:

Case 3:13-cv-00145 Document 1 Filed 02/15/13 Page 1 of 4 PageID #: 1

4. The United States District Court for the Middle District of Tennessee is the federal judicial district embracing the Circuit Court of Davidson County, Tennessee, where this suit was originally filed. Venue is therefore proper under 28 U.S.C. §§ 81(b)(1) and 1441(a).

5. Pursuant to 28 U.S.C. §§ 1332, this civil action is removable as it invokes the federal court's diversity jurisdiction. This Court therefore has subject matter jurisdiction over this civil action, and removal is proper.

PROCEDURAL HISTORY

6. Judith W. Filler ("Plaintiff") instituted this civil action in the Circuit Court of Davidson County, Tennessee, on January 11, 2013. A true and correct copy of all process and pleadings as served upon State Farm is attached hereto as Exhibit "A" and is incorporated herein by reference.

7. Pursuant to 28 U.S.C. 1446(d), a copy of this Notice of Removal will be filed with the Davidson County Circuit Court, and written notice will be provided to Plaintiff along with a copy of this pleading.

REMOVAL IS TIMELY FILED UNDER § 1446(b)

8. "The notice of removal of a civil action or proceeding shall be filed within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based, or within thirty days after the service of summons upon the defendant if such initial pleading has then been filed in court and is not required to be served on the defendant, whichever period is shorter." 28 U.S.C. § 1446

9. The State of Tennessee Department of Commerce and Insurance was served with the summons in this action on January 16, 2013. State Farm received a copy of this action on January 25, 2013. As such, pursuant to 20 U.S.C. § 1446(b), this notice of removal is timely filed since it is filed on or before Monday, February 25, 2013.

NON-WAIVER OF DEFENSES

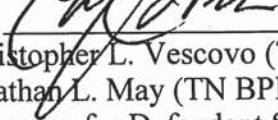
10. By removing this action from Circuit Court of Davidson County, Tennessee, State Farm does not waive any defenses available to it.

11. By removing this action from Circuit Court of Davidson County, Tennessee, State Farm does not admit any of the allegations in Plaintiff's complaint.

WHEREFORE, PREMISES CONSIDERED, Defendant State Farm, by and through its counsel, desiring to remove this civil action to the United States District Court for the Middle District of Tennessee being the district and division for the county in which such civil action is pending, prays that the filing of this Notice of Removal, the giving of written notice thereof to Plaintiff, and the filing of a copy of this Notice of Removal with the clerk of the Circuit Court of Davidson County, Tennessee, shall effect the removal of said civil action to this Honorable Court.

Respectfully submitted this 14th day of February, 2013.

THOMASON, HENDRIX, HARVEY
JOHNSON & MITCHELL, PLLC

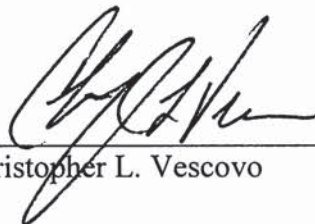
By: 

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served upon the following listed person, via U.S. Mail, postage pre-paid, this the 14th day of February, 2013:

Mike Walker
Erica Chitwood
5511 Edmondson Pike, Suite 203
Nashville, TN 37211
Attorneys for Plaintiff



Christopher L. Vescovo

4816-4836-8658, v. 1